

Issue: Compliance/Notice of agency appeal of Hearing Case #5436 decision to the Circuit Court; Ruling Date: June 25, 2002; Ruling #2002-131; Agency: Department of Juvenile Justice; Outcome; Approval of appeal granted.



*COMMONWEALTH of VIRGINIA*  
*Department of Employment Dispute Resolution*

APPEAL REVIEW RULING OF DIRECTOR

In the matter of Department of Juvenile Justice Case No. 5436  
June 25, 2002

Pursuant to Va. Code 2.2-3006(B), the Department of Juvenile Justice (DJJ) seeks approval from the Director of this Department to appeal the final hearing decision in Case No. 5436 on the basis that it is contradictory to law. Because there is no evidence that DJJ's appeal is based on any improper purpose such as to harass or cause delay, its request is granted. DJJ may now file a notice of appeal with the Circuit Court in the jurisdiction in which the grievance arose.

Approval to proceed with the circuit court appeal in no way reflects the substantive merits of the appeal or addresses the jurisdiction of the circuit court. Note that the circuit court "shall award reasonable attorneys' fees and costs to the employee if the employee substantially prevails on the merits" of the agency's appeal.<sup>1</sup>

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Claudia T. Farr  
Director

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<sup>1</sup> Va. Code § 2.2-3006(D).